

AMENDED IN ASSEMBLY FEBRUARY 21, 2006

AMENDED IN ASSEMBLY JUNE 2, 2005

SENATE BILL

No. 638

Introduced by Senator Torlakson
(Coauthors: Senators Alquist, Denham, Lowenthal, Romero,
Simitian, and Soto)

February 22, 2005

~~An act to amend Section 8483.55 of the Education Code, relating to child care.~~ *An act to amend Sections 8482.5, 8482.55, 8483.55, 8483.7, 8483.75, 8484, and 8484.8 of, and to repeal Sections 8482.5 and 8483.7 of, the Education Code, relating to before and after school programs, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 638, as amended, Torlakson. After School Education and Safety Program.

(1) Existing law, the After School Education and Safety Program Act of 2002, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program.

The existing act requires that grants made to public schools under the program for the 2003-04 fiscal year continue to be funded in each subsequent fiscal year at the 2003-04 fiscal year level before any other grants are funded under the act, if those schools continue to

make application for the grants and are otherwise qualified under the act.

This bill, additionally, would require that grants made to public elementary, middle, and junior high schools under a specified provision of existing law relating to community learning centers, for the 2002-03, 2003-04, and 2004-05 fiscal years, continue to be funded under the act in each subsequent fiscal year immediately following the expiration of the grant made under the specified provision of law, at the same award level as the grant was funded under the specified provision of law for the 2004-05 fiscal year, before any grants are funded under certain provisions of the act, if the school applies for the grant and is otherwise qualified under the act.

(2) The existing act exempts the grants described in (1) above from a requirement that priority for funding under the act be given to schools where a minimum of 50% of the pupils in elementary schools and 50% of the pupils in middle and junior high schools are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.

This bill would delete that exemption.

(3) The existing act provides a formula for determining an amount to be continuously appropriated from the General Fund to the department for purposes of the program. The existing act allows the department to spend 1½% of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants.

This bill would require that the training and support provided by the department include, but not be limited to, the development and distribution of voluntary guidelines for physical activity programs, as specified.

(4) The existing act requires that all funds remaining from the continuous appropriation after certain grants have been funded to be distributed as 3-year renewable incentive grants under certain provisions of existing law.

This bill would revise the funding formulas for the grants.

(5) Existing law provides for the funding of specified community learning center programs.

This bill would revise the amounts required to be made available for those programs.

(6) *Because this bill would make money that is continuously appropriated specifically available for these new purposes, the bill would make an appropriation.*

(7) *The existing act authorizes the Legislature to amend certain of its provisions to further its purposes by majority vote of each house.*

Certain other provisions of the existing act relating to funding priorities, as described in (1) and (2) above, may be amended by the Legislature only by a $\frac{2}{3}$ majority vote of each house and signed by the Governor if the amendment furthers the purposes of the act.

This bill would set forth a legislative finding and declaration that the proposed amendments further the purposes of the act.

~~Existing law, enacted by initiative statute, establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. Existing law provides a formula for determining an amount to be continuously appropriated from the General Fund to the State Department of Education for purposes of the program. Existing law allows the department to spend $1\frac{1}{2}\%$ of the appropriated funds to cover evaluation costs, to provide training and support, and to pay its costs of awarding and monitoring grants. The initiative statute authorizes the Legislature to amend certain of its provisions to further the purposes of the statute by majority vote of each house.~~

~~This bill would require that the training and support provided by the department include, but not be limited to, the development and distribution of voluntary guidelines for physical activity programs, as specified.~~

~~The bill would make findings and declarations of the Legislature that its provisions further the purpose of the act.~~

Vote: ~~majority~~ ^{$\frac{2}{3}$} . Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *It is the intent of the Legislature to support the*
 2 *creation of before and after school programs in every*
 3 *Californian school, to provide safe havens during non-school*
 4 *hours that encourage youth resiliency and readiness for school*
 5 *for all of California's neediest children, and to create a system of*
 6 *accountability and flexibility for local after school program*

1 *implementation that will enable program excellence and positive*
2 *pupil outcomes.*

3 *SEC. 2. Section 8482.5 of the Education Code, as amended*
4 *by Section 2.6 of Chapter 320 of the Statutes of 1998, is repealed.*

5 ~~8482.5. (a) Priority for funding programs established~~
6 ~~pursuant to this article shall be given to schools where a~~
7 ~~minimum of 50 percent of the pupils in elementary schools and~~
8 ~~50 percent of the pupils in middle and junior high schools are~~
9 ~~eligible for free or reduced-cost meals through the school lunch~~
10 ~~program of the United States Department of Agriculture.~~

11 ~~(b) Every program established pursuant to this article shall be~~
12 ~~planned through a collaborative process that includes parents,~~
13 ~~youth, and representatives of participating schoolsites,~~
14 ~~governmental agencies, such as city and county parks and~~
15 ~~recreation departments, community organizations, and the private~~
16 ~~sector.~~

17 *SEC. 3. Section 8482.5 of the Education Code, as amended*
18 *by Section 2.5 of Chapter 320 of the Statutes of 1998, is repealed.*

19 ~~8482.5. (a) Priority for funding programs established~~
20 ~~pursuant to this article shall be given to schools where a~~
21 ~~minimum of 50 percent of the pupils in elementary schools and~~
22 ~~50 percent of the pupils in middle and junior high schools are~~
23 ~~eligible for free or reduced-cost meals through the school lunch~~
24 ~~program of the United States Department of Agriculture.~~

25 ~~(b) Every program established pursuant to this article shall be~~
26 ~~planned through a collaborative process that includes parents,~~
27 ~~youth, and representatives of participating schoolsites,~~
28 ~~governmental agencies, such as city and county parks and~~
29 ~~recreation departments, community organizations, and the private~~
30 ~~sector.~~

31 *SEC. 4. Section 8482.5 of the Education Code, as amended*
32 *on November 5, 2002, by Section 7 of Proposition 49 is amended*
33 *to read:*

34 ~~8482.5. (a) Priority~~ *Notwithstanding subdivision (c) of*
35 *Section 8482.55, priority for funding programs established*
36 *pursuant to this article, except those established pursuant to*
37 *subdivision (e) of Section 8482.55, shall be given to schools*
38 *where a minimum of 50 percent of the pupils in elementary*
39 *schools and 50 percent of the pupils in middle and junior high*
40 *schools are eligible for free or reduced-cost meals through the*

1 school lunch program of the United States Department of
2 Agriculture. *Programs that qualify for funding under this*
3 *subdivision shall be funded based on the maximum grants*
4 *authorized under Section 8483.7.*

5 (b) Every program established pursuant to this article shall be
6 planned through a collaborative process that includes parents,
7 youth, and representatives of participating public schools,
8 governmental agencies, such as city and county parks and
9 recreation departments, local law enforcement, community
10 organizations, and the private sector.

11 *SEC. 5. Section 8482.55 of the Education Code is amended to*
12 *read:*

13 8482.55. (a) To accomplish the purposes of the After School
14 Education and Safety Program, commencing with the fiscal year
15 beginning July 1, 2004, and for each fiscal year thereafter, all
16 grants made pursuant to this article shall be awarded as set forth
17 in this section.

18 (b) (1) Grants made to public schools pursuant to this article
19 for the 2003-04 fiscal year shall continue to be funded in each
20 subsequent fiscal year at the 2003-04 fiscal year level before any
21 other grants are funded under this article, provided such schools
22 continue to make application for such grants and are otherwise
23 qualified pursuant to this article. Receipt of a grant at the
24 2003-04 fiscal year level made pursuant to this subdivision shall
25 not affect a school's eligibility for additional grant funding as
26 permitted in subdivisions (c) and (d) up to the maximum grants
27 permitted in Sections 8483.7 and 8483.75.

28 (2) *Grants made to public elementary, middle, and junior high*
29 *schools under Section 8484.8 for the 2002-03, 2003-04, and*
30 *2004-05 fiscal years shall continue to be funded under this*
31 *article in each subsequent fiscal year immediately following the*
32 *expiration of the grant made under Section 8484.8, at the same*
33 *award level as the grant was funded under Section 8484.8 for the*
34 *2004-05 fiscal year, before any grants are funded under*
35 *subdivisions (c), (d), and (e), if the school applies for the grant*
36 *and is otherwise qualified under this article. Receipt of a grant*
37 *under this paragraph does not affect a school's eligibility for*
38 *additional grant funding as permitted in subdivisions (c) and (d),*
39 *up to the maximum grants permitted in Sections 8483.7 and*
40 *8483.75.*

1 (c) ~~Every~~ *Each* public elementary, middle, and junior high
2 school in the state ~~shall be~~ *is* eligible to receive a three year
3 renewable ~~incentive~~ *direct* grant for after school programs to be
4 operated during the regular school year, as provided in
5 subparagraph (A) of paragraph (1) of subdivision (a) of Section
6 8483.7. Except as provided in this subdivision, grants for after
7 school programs made pursuant to this subdivision shall be
8 subject to all other sections of this article. Grants for after school
9 programs made pursuant to this subdivision shall not exceed ~~fifty~~
10 ~~thousand dollars (\$50,000)~~ *seventy-five thousand dollars*
11 *(\$75,000)* for each regular school year for each elementary
12 school or ~~seventy-five thousand dollars (\$75,000)~~ *one hundred*
13 *twelve thousand dollars (\$112,000)* for each regular school year
14 for each middle or junior high school. Notwithstanding
15 subdivision (a) of Section 8482.5 and except as provided in
16 subdivision (f), ~~every~~ *each* public elementary, middle, and junior
17 high school in the state shall have equal priority of funding for
18 grants for after school programs made pursuant to this
19 subdivision. Receipt of a grant for an after school program made
20 pursuant to this subdivision ~~shall~~ *does* not affect a school's
21 eligibility for additional grant funding as permitted in subdivision
22 (d) up to the maximum grants permitted in Sections 8483.7 and
23 8483.75. Grants made pursuant to this subdivision shall be
24 funded after grants made pursuant to subdivision (b) and before
25 any grants made pursuant to subdivision (d). Grants made
26 pursuant to this subdivision shall be referred to as "After School
27 Education and Safety Universal Grants."

28 (d) All funds remaining from the appropriation provided in
29 Section 8483.5 after award of grants pursuant to subdivisions (b)
30 and (c) shall be distributed pursuant to Sections 8483.7 and
31 8483.75. Grants for programs made pursuant to this subdivision
32 shall be subject to all other sections of this article. Priority for
33 grants for programs made pursuant to this subdivision shall be
34 established pursuant to subdivision (a) of Section 8482.5 and
35 Section 8483.3.

36 (e) ~~No~~ A school shall *not* receive grants in excess of the
37 amounts provided in Sections 8483.7 and 8483.75.

38 (f) ~~In the event that~~ *If* in any fiscal year the appropriation made
39 pursuant to Section 8483.5 shall be insufficient to fund all
40 eligible schools who ~~make~~ *submit an eligible* application for an

1 After School Education and Safety Universal—~~Grants Grant~~
2 pursuant to subdivision (c), priority for After School Education
3 and Safety Universal Grants shall be established pursuant to
4 subdivision (a) of Section 8482.5—~~and, Section 8483.3, and~~
5 ~~subdivision (b) of Section 8482.55.~~

6 SEC. 6. *Section 8483.55 of the Education Code is amended to*
7 *read:*

8 8483.55. From the funds appropriated pursuant to subdivision
9 (b) of Section 8483.5, the State Department of Education may
10 spend $\frac{1}{2}$ ~~one and one half~~ percent to cover evaluation costs and
11 to provide training and support to ensure quality program
12 implementation, development, and sustainability and may pay its
13 costs of awarding and monitoring grants. *Training and support*
14 *shall include, but is not limited to, the development and*
15 *distribution of voluntary guidelines for physical activity*
16 *programs established under paragraph (2) of subdivision (c) of*
17 *Section 8482.3 that expand the learning opportunities of the*
18 *school day.*

19 SEC. 7. *Section 8483.7 of the Education Code, as added by*
20 *Section 2 of Chapter 318 of the Statutes of 1998, is repealed.*

21 8483.7. (a) ~~It is the intent of the Legislature that a minimum~~
22 ~~of fifty million dollars (\$50,000,000) be appropriated for the~~
23 ~~program established pursuant to this article, through the annual~~
24 ~~Budget Act. Of the funds appropriated for the program, 50~~
25 ~~percent shall be reserved for programs that operate at elementary~~
26 ~~schools and 50 percent shall be reserved for programs that~~
27 ~~operate at middle and junior high schools. If there are not a~~
28 ~~sufficient number of qualified applicants to use all of the funding~~
29 ~~in one category, the remaining funds may be used for qualified~~
30 ~~applicants in the other category.~~

31 (b) ~~(1) Every school that establishes a program pursuant to~~
32 ~~this article is eligible to receive a three year renewable incentive~~
33 ~~grant, subject to annual reporting and recertification as required~~
34 ~~by the State Department of Education, for up to five dollars (\$5)~~
35 ~~per day per pupil, with a maximum total grant amount of~~
36 ~~seventy-five thousand dollars (\$75,000) for each regular school~~
37 ~~year for each elementary school and one hundred thousand~~
38 ~~dollars (\$100,000) for each regular school year for each middle~~
39 ~~or junior high school.~~

~~(2) For large schools, the maximum total grant amounts described in paragraph (1) may be increased based on the following formulas, up to a maximum amount of twice the respective limits specified in paragraph (1):~~

~~(A) For elementary schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 600.~~

~~(B) For middle schools, multiply seventy-five dollars (\$75) by the number of pupils enrolled at the schoolsite for the normal schoolday program that exceeds 900.~~

~~(3) A school that establishes a program pursuant to this article is eligible to receive a supplemental grant to operate the program during any combination of summer, intersession, or vacation periods for a maximum of the lesser of the following amounts:~~

~~(A) Five dollars (\$5) per day per pupil.~~

~~(B) Thirty percent of the total grant amount awarded to the school per school year pursuant to this subdivision.~~

~~(4) Each program shall provide at least 50 percent cash or in-kind local matching funds from the school district, governmental agencies, community organizations, or the private sector for each dollar received in grant funds. Neither facilities nor space usage may fulfill the match requirement.~~

~~(e) The administrator of a program established pursuant to this article may supplement, but not supplant existing funding for after school programs with grant funds awarded pursuant to this article. State categorical funds for remedial education activities shall not be eligible as matching funds for those after school programs.~~

~~(d) Up to 15 percent of the initial year's grant amount for each grant recipient may be utilized for startup costs. Under no circumstance shall funding for startup costs result in an increase in the grant recipient's total funding above the approved grant amount.~~

SEC. 8. Section 8483.7 of the Education Code, as added by Section 2 of Chapter 319 of the Statutes of 1998, is repealed.

~~8483.7. (a) It is the intent of the Legislature that a minimum of fifty million dollars (\$50,000,000) be appropriated for the program established pursuant to this article, through the annual Budget Act. Of the funds appropriated for the program, 50 percent shall be reserved for programs that operate at elementary~~

1 schools and 50 percent shall be reserved for programs that
2 operate at middle and junior high schools. If there are not a
3 sufficient number of qualified applicants to use all of the funding
4 in one category, the remaining funds may be used for qualified
5 applicants in the other category.

6 (b) (1) Every school that establishes a program pursuant to
7 this article is eligible to receive a three-year renewable incentive
8 grant, subject to annual reporting and recertification as required
9 by the State Department of Education, for up to five dollars (\$5)
10 per day per pupil, with a maximum total grant amount of
11 seventy-five thousand dollars (\$75,000) for each regular school
12 year for each elementary school and one hundred thousand
13 dollars (\$100,000) for each regular school year for each middle
14 or junior high school.

15 (2) For large schools, the maximum total grant amounts
16 described in paragraph (1) may be increased based on the
17 following formulas, up to a maximum amount of twice the
18 respective limits specified in paragraph (1):

19 (A) For elementary schools, multiply seventy-five dollars
20 (\$75) by the number of pupils enrolled at the schoolsite for the
21 normal schoolday program that exceeds 600.

22 (B) For middle schools, multiply seventy-five dollars (\$75) by
23 the number of pupils enrolled at the schoolsite for the normal
24 schoolday program that exceeds 900.

25 (3) A school that establishes a program pursuant to this article
26 is eligible to receive a supplemental grant to operate the program
27 during any combination of summer, intersession, or vacation
28 periods for a maximum of the lesser of the following amounts:

29 (A) Five dollars (\$5) per day per pupil.

30 (B) Thirty percent of the total grant amount awarded to the
31 school per school year pursuant to this subdivision.

32 (4) Each program shall provide at least 50 percent cash or
33 in-kind local matching funds from the school district,
34 governmental agencies, community organizations, or the private
35 sector for each dollar received in grant funds. Neither facilities
36 nor space usage may fulfill the match requirement.

37 (c) The administrator of a program established pursuant to this
38 article may supplement, but not supplant existing funding for
39 after school programs with grant funds awarded pursuant to this
40 article. State categorical funds for remedial education activities

1 shall not be eligible as matching funds for those after school
2 programs.

3 (d) Up to 15 percent of the initial year's grant amount for each
4 grant recipient may be utilized for startup costs. Under no
5 circumstance shall funding for startup costs result in an increase
6 in the grant recipient's total funding above the approved grant
7 amount.

8 *SEC. 9. Section 8483.7 of the Education Code, as amended*
9 *by Section 4 of Chapter 553 of the Statutes of 2005, is amended*
10 *to read:*

11 8483.7. (a) (1) (A) Every *Each* school that establishes a
12 program pursuant to this article is eligible to receive a three-year
13 renewable ~~incentive~~ *direct* grant, that shall be awarded in three
14 one-year increments and is subject to annual reporting and
15 recertification as required by the department, ~~for either of the~~
16 ~~following, as selected by the school.~~

17 (i) Up to five dollars (\$5) per day per pupil, if the program
18 serves pupils in elementary, middle, or junior high school.

19 (ii) Five dollars (\$5) per pupil for each three hours of pupil
20 attendance, with a maximum total reimbursement of twenty-five
21 dollars (\$25) per pupil per week, if the program serves pupils in
22 middle or junior high school. To receive reimbursement pursuant
23 to this subparagraph, the program administrator shall apply to
24 and receive approval annually from the Superintendent. Approval
25 by the Superintendent shall be based on program results.

26 (B) *Direct grants may be awarded to applicants that have*
27 *demonstrated readiness to begin operation of a program or to*
28 *expand existing programs. Operational grants shall supplement,*
29 *not supplant, existing services and funds provided by the school.*

30 ~~(B)~~

31 (C) The maximum total *direct* grant amount awarded annually
32 pursuant to this paragraph *for programs eligible under*
33 *subdivision (a) of Section 8482.5 and subdivision (b) of Section*
34 *8482.55 shall be seventy-five thousand dollars (\$75,000) one*
35 *hundred twelve thousand five hundred dollars (\$112,500) for*
36 *each regular school year for each elementary school and one*
37 *hundred thousand dollars (\$100,000) one hundred fifty thousand*
38 *dollars (\$150,000) for each regular school year for each middle*
39 *or junior high school. The superintendent shall determine the*
40 *total annual direct grant amount for which a site is eligible based*

1 *on a formula of seven dollars and fifty cents (\$7.50) per pupil for*
2 *each three hours of pupil attendance that the program plans to*
3 *serve, with a maximum total grant of forty-five dollars (\$45) per*
4 *projected pupil per week, and a formula of seven dollars and fifty*
5 *cents (\$7.50) per projected pupil per day of staff development,*
6 *with a maximum of eight staff development days per year.*

7 (2) For large schools, the maximum total grant amounts
8 described in *subparagraph (C)* of paragraph (1) may be increased
9 based on the following formulas, up to a maximum amount of
10 twice the respective limits specified in *subparagraph (C)* of
11 paragraph (1):

12 (A) For elementary schools, multiply seventy-five dollars
13 (\$75) by the number of pupils enrolled at the schoolsite for the
14 normal schoolday program that exceeds 600.

15 (B) For middle schools, multiply seventy-five dollars (\$75) by
16 the number of pupils enrolled at the schoolsite for the normal
17 schoolday program that exceeds 900.

18 (3) The maximum total grant amounts set forth in
19 ~~subparagraph (B)~~ *(C)* of paragraph (1) ~~and in paragraph (2)~~ may
20 be increased from any funds made available for this purpose in
21 the annual Budget Act for participating schools that have pupils
22 on waiting lists for the program. Grants may be increased by the
23 lesser of an amount that is either 25 percent of the current
24 maximum total grant amount or equal to the proportion of pupils
25 unserved by the program as measured by documented waiting
26 lists as of January 1, ~~2001~~ *of the previous grant year*, compared
27 to the actual after school enrollment on the same date. ~~Matching~~
28 ~~fund requirements~~ *The amount of the required contribution of*
29 *local funds* shall be increased accordingly. *Priority for an*
30 *increased maximum grant under this paragraph shall be given to*
31 *schools that qualify for funding under subdivision (b) of Section*
32 *8482.55.*

33 (4) A school that establishes a program pursuant to this article
34 is eligible to receive a supplemental grant to operate the program
35 during any combination of summer, intersession, or vacation
36 periods for a maximum of ~~the lesser of the following amounts:~~ *30*
37 *percent of the total grant amount awarded to the school per*
38 *school year under this subdivision.*

39 ~~(A) Five dollars (\$5) per day per pupil.~~

1 ~~(B) Thirty percent of the total grant amount awarded to the~~
2 ~~school per school year pursuant to this subdivision.~~

3 (5) Each program shall provide ~~at least 50 percent~~ *an amount*
4 *of cash or in-kind local matching funds equal to not less than*
5 *one-third of the total grant* from the school district, governmental
6 agencies, community organizations, or the private sector ~~for each~~
7 ~~dollar received in grant funds. Neither facilities nor space usage~~
8 ~~may. Facilities or space usage may fulfill not more than 25~~
9 ~~percent of the match requirement required local contribution.~~

10 (6) (A) ~~The department may reimburse a program A grantee~~
11 ~~for may allocate~~ up to 125 percent of the maximum total grant
12 amount for an individual school, so long as the maximum total
13 grant amount for all school programs administered by the
14 program grantee is not exceeded.

15 (B) In order to be eligible for ~~reimbursement renewal~~, a
16 program grantee that transfers funds for purposes of
17 administering a program established pursuant to this article shall
18 have an established waiting list for enrollment, and may transfer
19 only from another school program that has met a minimum of 70
20 percent of its attendance goal.

21 (7) *Each recipient of a grants awarded under this section is*
22 *required to provide an amount of a local contribution that is*
23 *equal to one dollar (\$1) for each three dollars (\$3) awarded. The*
24 *required local contribution shall be made in cash or as services*
25 *or resources of comparable value. It is the intent of the*
26 *Legislature that participants seek and utilize private funds or*
27 *resources for this purpose.*

28 (8) (A) *Grantees are subject to annual reporting and*
29 *recertification as required by the department. If actual pupil*
30 *attendance is significantly below the proposed levels in the first*
31 *year of the direct grant, the department shall provide technical*
32 *support for development of a program improvement plan for the*
33 *grantee. If the actual attendance is significantly below proposed*
34 *attendance at the end of the second year of the grant, the*
35 *department may reduce funding for the grantee.*

36 (B) *The department shall create a process to allow a grantee*
37 *to voluntarily lower its annual grant amount if one or more sites*
38 *are unable to meet the proposed pupil attendance levels by the*
39 *end of the second year of the grant.*

1 (C) A grantee who has had its grant amount reduced may
2 subsequently request an increase in funding under paragraph
3 (3).

4 (b) The administrator of a program established pursuant to this
5 article may supplement, but not supplant, existing funding for
6 after school programs with grant funds awarded pursuant to this
7 article. State categorical funds for remedial education activities
8 shall not be eligible as matching funds used to make the required
9 contribution of local funds for those after school programs.

10 (c) Up to 15 percent of the initial year's grant amount for each
11 grant recipient may be utilized for startup costs. Under no
12 circumstance shall funding for startup costs result in an increase
13 in the grant recipient's total funding above the approved grant
14 amount.

15 (d) For each year of the grant, the department shall award the
16 total grant amount for that year not later than 30 days after the
17 date the grantee accepts the grant.

18 SEC. 10. Section 8483.75 of the Education Code is amended
19 to read:

20 8483.75. (a) (1) (A) ~~Every~~ Each school that establishes a
21 before school program component pursuant to Section 8483.1 ~~of~~
22 ~~this article is eligible to receive a three year renewable incentive~~
23 ~~direct grant, that shall be awarded in three one-year increments~~
24 ~~and is subject to annual reporting and recertification as required~~
25 ~~by the department, for either of the following, as selected by the~~
26 ~~school. Those grants shall be awarded by the Superintendent~~
27 ~~under this section.~~

28 (i) ~~Up to three dollars and thirty-three cents (\$3.33) per day~~
29 ~~per pupil for a two hour program, if the program serves pupils in~~
30 ~~elementary, middle, or junior high school. Per pupil~~
31 ~~reimbursement rates shall be reduced on a prorated basis for~~
32 ~~those programs which operate for less than two hours per regular~~
33 ~~school day. The rate shall be determined by multiplying 3.33 by~~
34 ~~the fraction represented by dividing the minutes of operation per~~
35 ~~day by 120.~~

36 (ii) ~~Three dollars and thirty-three cents (\$3.33) per pupil for~~
37 ~~each two hours of pupil attendance, with a maximum total~~
38 ~~reimbursement of sixteen dollars and sixty-five cents (\$16.65)~~
39 ~~per pupil per week, if the program serves pupils in middle or~~
40 ~~junior high school. To receive reimbursement pursuant to this~~

1 ~~subparagraph, the program administrator shall apply to and~~
2 ~~receive approval annually from the Superintendent. Approval by~~
3 ~~the Superintendent shall be based on program results.~~

4 (B) The maximum total grant amount awarded annually
5 pursuant to this paragraph shall be ~~twenty-five thousand dollars~~
6 ~~(\$25,000)~~ *thirty-seven thousand five hundred dollars (\$37,500)*
7 for each regular school year for each elementary school and
8 ~~thirty-three thousand dollars (\$33,000)~~ *forty-nine thousand*
9 *dollars (\$49,000)* for each regular school year for each middle or
10 junior high school.

11 (C) *The Superintendent shall determine the total annual direct*
12 *grant amount for which a site is eligible based on a formula of*
13 *five dollars (\$5) per pupil per day that the program plans to*
14 *serve, with a maximum total grant of twenty-five dollars (\$25)*
15 *per projected pupil per week.*

16 (2) For large schools, the maximum total grant amounts
17 described in paragraph (1) may be increased based on the
18 following formulas, up to a maximum amount of twice the
19 respective limits specified in paragraph (1):

20 (A) For elementary schools, multiply fifty dollars (\$50) by the
21 number of pupils enrolled at the schoolsite for the normal
22 schoolday program that exceeds 600.

23 (B) For middle schools, multiply fifty dollars (\$50) by the
24 number of pupils enrolled at the schoolsite for the normal
25 schoolday program that exceeds 900.

26 (3) A school that establishes a program pursuant to this article
27 is eligible to receive a supplemental grant to operate the program
28 during any combination of summer, intersession, or vacation
29 periods for a maximum of ~~the lesser of the following amounts: 30~~
30 *percent of the total grant amount awarded to the school per*
31 *school year under this subdivision.*

32 ~~(A) Three dollars and thirty-three cents (\$3.33) per day per~~
33 ~~pupil.~~

34 ~~(B) Thirty percent of the total grant amount awarded to the~~
35 ~~school per school year pursuant to this subdivision.~~

36 (4) Each program shall provide ~~at least 50 percent~~ *an amount*
37 *of cash or in-kind local matching funds equal to not less than*
38 *one-third of the total grant* from the school district, governmental
39 agencies, community organizations, or the private sector ~~for each~~
40 ~~dollar received in grant funds. Neither facilities nor Facilities or~~

1 space usage may fulfill *not more than 25 percent of the*~~match~~
2 ~~requirement~~ *required local contribution.*

3 (5) (A) ~~The department may reimburse a program grantee for~~
4 *A grantee may allocate up to 125 percent of the maximum total*
5 *grant amount for an individual school, so long as the maximum*
6 *total grant amount for all school programs administered by the*
7 *program grantee is not exceeded.*

8 (B) In order to be eligible for ~~reimbursement~~ *renewal*, a
9 program grantee that transfers funds for purposes of
10 administering a program established pursuant to this article shall
11 have an established waiting list for enrollment, and may transfer
12 only from another school program that has met a minimum of 70
13 percent of its attendance goal.

14 (b) The administrator of a program established pursuant to this
15 article may supplement, but not supplant, existing funding for
16 before school programs with grant funds awarded pursuant to this
17 article. State categorical funds for remedial education activities
18 shall not be ~~eligible as matching funds used to make the required~~
19 *contribution of local funds* for those before school programs.

20 (c) Up to 15 percent of the initial year's grant amount for each
21 grant recipient may be utilized for startup costs. Under no
22 circumstance shall funding for startup costs result in an increase
23 in the grant recipient's total funding above the approved grant
24 amount.

25 (d) *For each year of the grant, the department shall award the*
26 *total grant amount for that year not later than 30 days after the*
27 *date the grantee accepts the grant.*

28 SEC. 11. *Section 8484 of the Education Code is amended to*
29 *read:*

30 8484. As required by the ~~State Department of Education~~
31 *department*, programs established pursuant to this article shall
32 submit annual outcome based data for evaluation, including
33 measures for academic performance, attendance, and positive
34 behavioral changes. ~~The State Department of Education may~~
35 ~~consider these outcomes when determining eligibility for grant~~
36 ~~renewal.~~ *These measures may include, but are not limited to,*
37 *teacher and surveys, homework completion rates, California*
38 *Healthy Kids survey data, and other indicators of youth*
39 *resiliency. In determining eligibility for grant renewal, the*
40 *department shall consider the program's contributions to each*

1 *participant's success in school, behavioral outcomes, and*
2 *readiness to learn.*

3 *SEC. 12. Section 8484.8 of the Education Code is amended to*
4 *read:*

5 8484.8. In accordance with Part B of Title IV of the federal
6 No Child Left Behind Act of 2001 (P.L. 107-110), funds
7 appropriated in Item 6110-197-0890 of Section 2.00 of the
8 Budget Act of 2002 are available for expenditure as follows, with
9 any subsequent allocations for these purposes to be determined in
10 the annual Budget Act:

11 (a) The amount of one million dollars (\$1,000,000) shall be
12 available to the department for purposes of providing technical
13 assistance, evaluation and training services, for carrying out
14 programs related to 21st Century Community Learning Center
15 programs.

16 (b) (1) An amount of up to ~~three million five hundred~~
17 ~~thousand dollars (\$3,500,000)~~ *30 percent of the total amount*
18 *appropriated under this article* shall be available for direct
19 grants, in an amount not to exceed twenty-five thousand dollars
20 (\$25,000) per site, per year, *for after school education and safety*
21 *programs funded under Section 8483.7 and programs funded*
22 *under subdivisions (d) and (h)*, for community learning center
23 programs that serve middle and elementary school pupils for
24 providing equitable access to, and participation in, community
25 learning center programs, according to needs determined by the
26 local community.

27 (2) The department shall determine the requirements for
28 eligibility for a grant under this subdivision, consistent with the
29 following:

30 (A) Consistent with the local partnership approach inherent in
31 Article 22.5 (commencing with Section 8482), grants awarded
32 under this subdivision shall provide supplemental assistance to
33 programs. It is not intended that a grant fund the full anticipated
34 costs of the services provided by a community learning center
35 program.

36 (B) In determining the need for a grant pursuant to this
37 subdivision, the department shall base its determination on a
38 needs assessment and a determination that existing resources are
39 not available to meet these needs, including, but not limited to, a
40 description of how the needs, strengths, and resources of the

1 community have been assessed, currently available resources,
2 and the justification for additional resources for that purpose.

3 (C) The department shall award grants for a specific purpose,
4 as justified by the applicant.

5 (3) To be eligible to receive a grant under this subdivision, the
6 designated public agency representative for the applicant shall
7 certify that an annual fiscal audit will be conducted and that
8 adequate, accurate records will be kept. In addition, each
9 applicant shall provide the department with the assurance that
10 funds received under this subdivision are expended only for those
11 services and supports for which they are granted. The department
12 shall require grant recipients to submit annual budget reports, and
13 the department may withhold funds in subsequent years if direct
14 grant funds are expended for purposes other than as awarded.

15 (c) Up to ~~one million dollars (\$1,000,000)~~ *two percent of the*
16 *total amount appropriated under this article* shall be available
17 for direct grants of up to twenty thousand dollars (\$20,000) per
18 site, per year, for providing family literacy services only to those
19 schoolsites that identify such a need for families of 21st Century
20 Community Learning Center program pupils, and that
21 demonstrate a fiscal hardship by certifying that existing resources
22 including, but not limited to, funding for Title III of the No Child
23 Left Behind Act of 2001, Chapter 3 (commencing with Section
24 300) of Part 1, adult education, community college, and the
25 federal Even Start Program are not available or are insufficient to
26 serve these families. An assurance that the funds received under
27 this subdivision are expended only for those services and
28 supports for which they were granted shall be required.

29 (d) ~~Of Up to 30 percent of the total amount appropriated~~
30 ~~under this article shall be allocated on a priority basis for direct~~
31 ~~grants to community learning centers serving high school pupils,~~
32 ~~and the remaining funds in Item 6110-197-0890 of Section 2.00~~
33 ~~of the Budget Act of 2002, two million five hundred thousand~~
34 ~~dollars (\$2,500,000) shall be allocated on a priority basis for~~
35 ~~grants to community learning center programs serving high~~
36 ~~school pupils, and the remainder of this amount shall be allocated~~
37 ~~on a priority basis for community-based programs for middle and~~
38 ~~elementary school pupils.~~

39 (e) Grant awards under this section shall be restricted to those
40 applications that propose primarily to serve pupils that attend

1 schoolwide programs, as described in Title I of the No Child Left
2 Behind Act of 2001. Competitive priority shall be given to
3 applications that propose to serve children and youth in schools
4 designated as being in need of improvement under subsection (b)
5 of Section 6316 of Title 20 of the United States Code, and that
6 are jointly submitted by school districts and community-based
7 organizations. Applications to serve pupils in programs that have
8 received grants under Article 22.5 (commencing with Section
9 8482) shall be funded only when proposing to expand in
10 additional sites or to add pupils to a currently funded site.

11 (f) (1) Core funding grants for programs serving middle and
12 elementary school pupils in before and after school programs
13 shall be allocated ~~as follows: under subparagraph (C) of~~
14 ~~paragraph (1) of, and paragraphs (4), (5), and (6) of, Section~~
15 ~~8483.7.~~

16 ~~(A) For after school programs, seven dollars and fifty cents~~
17 ~~(\$7.50) per pupil, per day, up to a maximum grant of one~~
18 ~~hundred twelve thousand five hundred dollars (\$112,500) for~~
19 ~~each regular school year for each elementary school, and one~~
20 ~~hundred fifty thousand dollars (\$150,000) for each regular school~~
21 ~~year for each middle or junior high school.~~

22 ~~(B) For before school programs, five dollars (\$5) per pupil, per~~
23 ~~day, up to a maximum grant of thirty-seven thousand five~~
24 ~~hundred dollars (\$37,500) for each regular school year for each~~
25 ~~elementary school, and forty-nine thousand dollars (\$49,000) for~~
26 ~~each regular school year for each middle or junior high school.~~

27 ~~(2) For an after school component of a program, the maximum~~
28 ~~total grant amount described in subparagraph (A) of paragraph~~
29 ~~(1) may be increased up to a maximum amount of twice the~~
30 ~~respective limits specified in that subparagraph, in accordance~~
31 ~~with the following:~~

32 ~~(A) For elementary schools, one hundred thirteen dollars~~
33 ~~(\$113) per pupil, only for each pupil that exceeds 600 pupils~~
34 ~~enrolled at the schoolsite for the normal schoolday program.~~

35 ~~(B) For middle schools, one hundred thirteen dollars (\$113)~~
36 ~~per pupil, only for each pupil that exceeds 900 pupils enrolled at~~
37 ~~the schoolsite for the normal schoolday program.~~

38 ~~(3) For a before school component of a program, the~~
39 ~~maximum total grant amount described in subparagraph (B) of~~
40 ~~paragraph (1) may be increased up to a maximum amount of~~

1 ~~twice the respective limits specified in that subparagraph, in~~
2 ~~accordance with the following:~~

3 ~~(A) For elementary schools, seventy-five dollars (\$75) per~~
4 ~~pupil, only for each pupil that exceeds 600 pupils enrolled at the~~
5 ~~schoolsite for the normal schoolday program.~~

6 ~~(B) For middle schools, seventy-five dollars (\$75) per pupil,~~
7 ~~only for each pupil that exceeds 900 pupils enrolled at the~~
8 ~~schoolsite for the normal schoolday program.~~

9 ~~(4) A school that establishes an after school component of a~~
10 ~~program pursuant to this article is eligible to receive a~~
11 ~~supplemental grant to operate the program during any~~
12 ~~combination of summer, intersession, or vacation periods for a~~
13 ~~maximum of the lesser of the following amounts:~~

14 ~~(A) Seven dollars and fifty cents (\$7.50) per day per pupil.~~

15 ~~(B) Thirty percent of the total grant amount awarded to the~~
16 ~~school per school year pursuant to this subdivision.~~

17 ~~(5) A school that establishes a before school component of a~~
18 ~~program pursuant to this article is eligible to receive a~~
19 ~~supplemental grant to operate the program during any~~
20 ~~combination of summer, intersession, or vacation periods for a~~
21 ~~maximum of the lesser of the following amounts:~~

22 ~~(A) Five dollars (\$5) per day per pupil.~~

23 ~~(B) Thirty percent of the total grant amount awarded to the~~
24 ~~school per school year pursuant to this subdivision.~~

25 ~~(6) (A) The department may reimburse a program grantee for~~
26 ~~up to 125 percent of the maximum total grant amount for an~~
27 ~~individual school, so long as the maximum total grant amount for~~
28 ~~all school programs administered by the program grantee is not~~
29 ~~exceeded.~~

30 ~~(B) In order to be eligible for reimbursement, a program~~
31 ~~grantee that borrows funds for purposes of administering a~~
32 ~~program established pursuant to this article shall have an~~
33 ~~established waiting list for enrollment and may borrow only from~~
34 ~~another program grantee that has met a minimum of 70 percent~~
35 ~~of its attendance goal.~~

36 ~~(7)~~

37 ~~(2) (A) Funding for a grant shall be allocated in annual~~
38 ~~increments for a period not to exceed five years. The department~~
39 ~~shall notify new grantees, whose grant awards are contingent~~
40 ~~upon the appropriation of funds for those grants, in writing no~~

1 later than June 15 of each year in which new grants are awarded.
2 A first year grant award shall be made no later than 60 days after
3 enactment of the annual Budget Act and any authorizing
4 legislation. A grant award for the second and subsequent fiscal
5 years shall be made no later than 30 days after enactment of the
6 annual Budget Act and any authorizing legislation. The grantee
7 shall notify the department in writing of its acceptance of the
8 grant.

9 ~~(B) For the first each year of a grant, the department shall~~
10 ~~allocate 15 percent of the grant award the total grant amount for~~
11 ~~that year no later than 30 days after the grantee accepts the grant.~~
12 ~~For the second and subsequent years of the grant, the department~~
13 ~~shall allocate 15 percent of the grant for that year no later than 30~~
14 ~~days after the annual Budget Act becomes effective. This 15~~
15 ~~percent amount is to be used by a grantee for administrative costs~~
16 ~~and need not be earned through pupil attendance.~~

17 ~~(C) In addition to the funding allocated pursuant to~~
18 ~~subparagraph (B), up to 15 percent of the initial annual grant~~
19 ~~award for each core grant recipient may be utilized for startup~~
20 ~~costs, which funding need not be earned through pupil~~
21 ~~attendance.~~

22 ~~(D)~~
23 (C) Under no circumstance shall funding made available
24 pursuant to subparagraphs (B) and (C) under subparagraph (B)
25 result in an increase in the total funding of a grantee above the
26 approved grant amount.

27 ~~(E) Payments to a grantee shall be based on quarterly pupil~~
28 ~~attendance and expenditure reports, as required by the~~
29 ~~department. If a report is submitted to the department in a timely~~
30 ~~manner, payments to a grantee based on that report shall be~~
31 ~~issued within 30 days if its receipt.~~

32 (8)

33 (3) A grantee shall identify the federal, state, and local
34 programs that will be combined or coordinated with the proposed
35 program for the most effective use of public resources, and shall
36 prepare a plan for continuing the program beyond federal grant
37 funding.

38 (9)

1 (4) A grantee shall submit annual attendance data and results
2 to facilitate evaluation and compliance in accordance with
3 provisions established by the department.

4 ~~(10) A program receiving a grant under this subdivision is not~~
5 ~~assured of grant renewal from future state or federal funding at~~
6 ~~the conclusion of the grant period.~~

7 (g) A total annual grant award for core funding and direct
8 grants for a site serving elementary or middle school pupils shall
9 be fifty thousand dollars (\$50,000) per year or more, consistent
10 with federal requirements.

11 (h) Grants for programs serving high school pupils at
12 schoolsites or sites of other organizations, as determined to be
13 eligible by the department and consistent with the provisions of
14 the 21st Century Community Learning Centers program, shall be
15 available as an annual minimum grant of fifty thousand dollars
16 (\$50,000) per year. Grant funding above the minimum shall be
17 ~~determined in proportion to the average daily attendance of the~~
18 ~~high school program site or sites to be served and other~~ by factors
19 including, but not limited to, proposed attendance and effective
20 use of resources as determined by the department up to two
21 hundred fifty thousand dollars (\$250,000) per year for five years.
22 A grantee that establishes a high school program pursuant to this
23 subdivision shall be subject to annual reporting and
24 recertification as required by the department. After the second
25 year, the department shall reduce funding of programs in which
26 actual attendance is significantly below proposed attendance
27 levels. An evaluation of the program funded pursuant to this
28 subdivision shall be submitted no later than 180 days after the
29 completion of the second year of the program. The department
30 shall provide the results of that evaluation and work with the
31 Legislature, the Department of Finance, program providers, and
32 other interested parties to adopt or restructure a high school after
33 school program for California that is both programmatically and
34 fiscally sound. Grantees shall be eligible for fourth and fifth year
35 funding consistent with the restructured requirements. Each
36 grantee shall be required to identify the federal, state, and local
37 programs that will be combined or coordinated with the proposed
38 program for the most effective use of public resources and to
39 describe a plan for continuing the program beyond federal grant
40 funding. Grantees shall be required to submit annual attendance

1 data results to facilitate evaluation and compliance with
2 provisions established by the department. Programs receiving
3 grants under this subdivision are not assured of grant renewal
4 from future state or federal funding at the conclusion of the grant
5 period.

6 (i) Notwithstanding any other provision of law, and contingent
7 upon the availability of funding, the department may adjust the
8 core grant cap of any grantee based upon one or both of the
9 following:

10 (1) Amendments made to this section by the act that added this
11 subdivision chapter 555 of the statutes of 2005.

12 (2) The demonstrated ~~historical-earning~~ *pupil attendance*
13 pattern of the grantee. If an adjustment based upon the
14 demonstrated ~~historical-earning~~ *pupil attendance* pattern of the
15 grantee results in a reduction, that adjustment shall be based upon
16 at least two years of historical ~~earning~~ *pupil attendance* pattern
17 data for the affected grantee.

18 (j) Funds received but unexpended under this article may be
19 carried forward to subsequent years consistent with federal
20 requirements. In year one, the full grant may be retained.

21 (k) *If funds remain after all of the priority allocations required*
22 *under subdivisions (b), (c), and (d) have been made, the*
23 *department may use that money to fund additional qualified*
24 *grant applications under those provisions, in order to ensure that*
25 *all federal funds received for these purposes are expended for*
26 *these purposes.*

27 ~~(k)~~

28 (l) This article shall be operative only to the extent that
29 federal funds are made available for the purposes of this article.
30 It is the intent of the Legislature that this article not be
31 considered a precedent for general fund augmentation of either
32 the state administered, federally funded program of this article, or
33 any other state funded before or after school program.

34 SEC. 13. *The Legislature finds and declares that this act*
35 *furtheres the purposes of the After School Education and Safety*
36 *Program Act of 2002.*

37 SEC. 14. *The costs incurred as a result of the amendments to*
38 *the After School Education and Safety Program Act of 2002*
39 *made by this act shall be funded only from appropriations made*
40 *under Section 8483.5 of the Education Code.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, 06/02/05 (JR11)**

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